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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

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United States of America,
 Plaintiff,
 v.
 (1) Francisco Muela Zapata,
 Counts 1- 4
 (2) Francisco Zapata, Jr.,
 Counts 1 and 5
 (3) Yolanda Villalobos de Zapata,
 Counts 1, 6 and 7
 (4) Luz Martinez,
 Counts 1, 8, 9 and 10
 (5) Maria Yvonne Carbajal, and
 Counts 1, 11 and 12
 (6) Kelly Rae Hooper,
 Counts 1, 13 and 14
 Defendants.

CR 11 0231 PHX JAT(DKD)

INDICTMENT

VIO: 18 U.S.C. §§ 924(a)(1)(A) and 371
 (Conspiracy to Make a False
 Statement in Connection with the
 Acquisition of a Firearm)
 Count 1

18 U.S.C. § 924(a)(1)(A)
 (False Statement in Connection
 with the Acquisition of a Firearm)
 Counts 2-14

18 U.S.C. § 924(d) and
 28 U.S.C. § 2461(c)
 (Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

Beginning on or about May 2010, and continuing through on or about June, 2010, in the District of Arizona and elsewhere, defendants FRANCISCO MUELA ZAPATA, FRANCISCO ZAPATA JR., YOLANDA VILLALOBOS DE ZAPATA, LUZ MARTINEZ, MARIA YVONNE CARBAJAL, and KELLY RAE HOOPER, did conspire with each other and with

1 others known and unknown to the grand jury to knowingly make a false statement and
2 representation with respect to information required by the provisions of Chapter 44 of Title 18,
3 United States Code, to be kept in the records of federally licensed firearms dealers, businesses
4 licensed under the provisions of Chapter 44 of Title 18, United States Code, in that
5 FRANCISCO MUELA ZAPATA and FRANCISCO ZAPATA JR., recruited others to purchase
6 firearms and knew that in order to do that those persons would execute a Bureau of Alcohol,
7 Tobacco, and Firearms Form 4473, Firearms Transaction Record, representing that he or she was
8 the actual buyer of the firearms indicated on the form, when in fact that person was not the actual
9 buyer of these firearms. It was the object of the conspiracy that the co-conspirators agreed to
10 make a false statement to federally licensed firearms dealers in order to conceal the actual
11 purchaser of the firearms.

12 **OVERT ACTS**

13 As part, and in furtherance of the conspiracy, overt acts were committed in the District of
14 Arizona including, but not limited to, the following:

15 1. On or about May 19, 2010, FRANCISCO MUELA ZAPATA (hereinafter MUELA
16 ZAPATA) went to a federally licensed firearms dealer in Glendale, Arizona, to purchased ten
17 rifles on behalf of another. When purchasing the firearms MUELA ZAPATA represented to the
18 dealer that he was the true purchaser of the firearms when, in truth and in fact, they were
19 purchased for another.

20 2. On or about May 20, 2010, MUELA ZAPATA went to a federally licensed firearms
21 dealer in Scottsdale, Arizona, to purchase one rifle on behalf of another. When purchasing the
22 firearm, MUELA ZAPATA represented to the dealer that he was the true purchaser of the
23 firearm when, in truth and in fact, it was purchased for another.

24 3. On or about May 21, 2010, MUELA ZAPATA went to a federally licensed firearms
25 dealer in Glendale, Arizona, to purchase 20 rifles on behalf of another. When purchasing the
26 firearms, MUELA ZAPATA represented to the dealer that he was the true purchaser of the
27 firearms when, in truth and in fact, they were purchased for another.

28 4. On or before May 18, 2010, MUELA ZAPATA asked FRANCISCO ZAPATA JR.

1 (hereinafter ZAPATA JR.) to purchase firearms for MUELA ZAPATA .

2 5. Between May 18 and May 22, 2010, ZAPATA JR. went to a federally licensed firearms
3 dealer in Glendale, Arizona, to purchase five pistols and one rifle on behalf of MUELA
4 ZAPATA. When purchasing the firearms, ZAPATA JR. represented to the dealer that he was
5 the true purchaser of the firearms when, in truth and in fact, they were purchased for another.

6 6. On or about May 20, 2010, YOLANDA VERONICA VILLALOBOS DE ZAPATA
7 (hereinafter VILLALOBOS) went to a federally licensed firearms dealer in Scottsdale, Arizona,
8 to purchase one rifle on behalf of MUELA ZAPATA. When purchasing the firearm,
9 VILLALOBOS represented to the dealer that she was the true purchaser of the firearm when,
10 in truth and in fact, it was purchased for another.

11 7. On or about May 25, 2010, VILLALOBOS went to a federally licensed firearms dealer
12 in Glendale, Arizona, to purchase 17 rifles on behalf of MUELA ZAPATA. When purchasing
13 the firearms, VILLALOBOS represented to the dealer that she was the true purchaser of the
14 firearms when, in truth and in fact, they were purchased for another.

15 8. On or before June 26, 2010, ZAPATA JR. asked LUZ MARTINEZ (hereinafter
16 MARTINEZ) to purchase firearms for ZAPATA JR.

17 9. On or about June 21, 2010, MARTINEZ went to a federally licensed firearms dealer in
18 Glendale, Arizona, to purchase one pistol on behalf of ZAPATA JR. When purchasing the
19 firearm, MARTINEZ represented to the dealer that she was the true purchaser of the firearm
20 when, in truth and in fact, it was purchased for another.

21 10. On or about June 23, 2010, MARTINEZ went to a federally licensed firearms dealer in
22 Phoenix, Arizona, to purchase two pistols on behalf of ZAPATA JR. When purchasing the
23 firearms, MARTINEZ represented to the dealer that she was the true purchaser of the firearms
24 when, in truth and in fact, they were purchased for another.

25 11. On or about June 26, 2010, MARTINEZ went to a federally licensed firearms dealer in
26 Glendale, Arizona, to purchase eight rifles and one pistol on behalf of ZAPATA JR. When
27 purchasing the firearms, MARTINEZ represented to the dealer that she was the true purchaser
28 of the firearms when, in truth and in fact, they were purchased for another.

1 12. On or before June 25, 2010, ZAPATA JR. asked MARIA CARBAJAL (hereinafter
2 CARBAJAL) to purchase firearms for ZAPATA JR.

3 13. Between June 21 and June 25, 2010, CARBAJAL went to a federally licensed firearms
4 dealer in Glendale, Arizona, to purchase one pistol on behalf of ZAPATA JR. When purchasing
5 the firearm, CARBAJAL represented to the dealer that she was the true purchaser of the firearm
6 when, in truth and in fact, it was purchased for another.

7 14. On or about June 25, 2010, CARBAJAL went to a federally licensed firearms dealer in
8 Glendale, Arizona, to purchase four pistols on behalf of ZAPATA JR. When purchasing the
9 firearms, CARBAJAL represented to the dealer that she was the true purchaser of the firearms
10 when, in truth and in fact, they were purchased for another.

11 15. On or before June 24, 2010, ZAPATA JR. asked KELLY RAE HOOPER (hereinafter
12 HOOPER) to purchase firearms for ZAPATA JR.

13 16. On or about June 24, 2010, HOOPER went to a federally licensed firearms dealer in
14 Glendale, Arizona, to purchase four pistols on behalf of ZAPATA JR. When purchasing the
15 firearms, HOOPER represented to the dealer that she was the true purchaser of the firearms
16 when, in truth and in fact, they were purchased for another.

17 17. On or about June 25, 2010, HOOPER went to a federally licensed firearms dealer in
18 Glendale, Arizona, to purchase 12 rifles on behalf of ZAPATA JR. When purchasing the
19 firearms, HOOPER represented to the dealer that she was the true purchaser of the firearms
20 when, in truth and in fact, they were purchased for another.

21 All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 371.

22 **COUNT 2**

23 On or about May 19, 2010, in the District of Arizona, defendant FRANCISCO MUELA
24 ZAPATA, did knowingly make a false statement and representation with respect to information
25 required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the
26 records of a federally licensed firearms dealer, a business licensed under the provisions of
27 Chapter 44 of Title 18, United States Code, in that FRANCISCO MUELA ZAPATA executed
28 a Bureau of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record,

1 representing that he was the actual buyer of the firearms indicated on the form, specifically, ten
2 Century International Arms, Model GP/WASR10, 7.62 x 39mm rifles, when in fact he was
3 purchasing the firearms on behalf of another.

4 In violation of Title 18, United States Code, Section 924(a)(1)(A).

5 **COUNT 3**

6 On or about May 20, 2010, in the District of Arizona, defendant FRANCISCO MUELA
7 ZAPATA, did knowingly make a false statement and representation with respect to information
8 required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the
9 records of a federally licensed firearms dealer, a business licensed under the provisions of
10 Chapter 44 of Title 18, United States Code, in that FRANCISCO MUELA ZAPATA executed
11 a Bureau of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record,
12 representing that he was the actual buyer of the firearm indicated on the form, specifically, one
13 Century International Arms, Model WASR10, 7.62 x 39mm rifle, when in fact he was
14 purchasing the firearm on behalf of another.

15 In violation of Title 18, United States Code, Section 924(a)(1)(A).

16 **COUNT 4**

17 On or about May 21, 2010, in the District of Arizona, defendant FRANCISCO MUELA
18 ZAPATA, did knowingly make a false statement and representation with respect to information
19 required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the
20 records of a federally licensed firearms dealer, a business licensed under the provisions of
21 Chapter 44 of Title 18, United States Code, in that FRANCISCO MUELA ZAPATA executed
22 a Bureau of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record,
23 representing that he was the actual buyer of the firearms indicated on the form, specifically, 20
24 Century International Arms, Model GP/WASR10, 7.62 x 39mm rifles, when in fact he was
25 purchasing the firearms on behalf of another.

26 In violation of Title 18, United States Code, Section 924(a)(1)(A).

27 **COUNT 5**

28 Between May 18 and May 22, 2010, in the District of Arizona, defendant FRANCISCO

1 ZAPATA JR., did knowingly make a false statement and representation with respect to
2 information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept
3 in the records of a federally licensed firearms dealer, a business licensed under the provisions
4 of Chapter 44 of Title 18, United States Code, in that FRANCISCO ZAPATA JR. executed a
5 Bureau of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record,
6 representing that he was the actual buyer of the firearms indicated on the form, specifically, five
7 Century International Arms, Model Draco, 7.62 x 39mm pistols and one Century International
8 Arms, Model WASR10, 7.62 x 39mm rifle, when in fact he was purchasing the firearms on
9 behalf of another.

10 In violation of Title 18, United States Code, Section 924(a)(1)(A).

11 **COUNT 6**

12 On or about May 20, 2010, in the District of Arizona, defendant YOLANDA VERONICA
13 VILLALOBOS DE ZAPATA, did knowingly make a false statement and representation with
14 respect to information required by the provisions of Chapter 44 of Title 18, United States Code,
15 to be kept in the records of a federally licensed firearms dealer, a business licensed under the
16 provisions of Chapter 44 of Title 18, United States Code, in that YOLANDA VERONICA
17 VILLALOBOS DE ZAPATA executed a Bureau of Alcohol, Tobacco, and Firearms Form
18 4473, Firearms Transaction Record, representing that she was the actual buyer of the firearm
19 indicated on the form, specifically, one Century International Arms, Model WASR10, 7.62 x
20 39mm rifle, when in fact she was purchasing the firearm on behalf of another.

21 In violation of Title 18, United States Code, Section 924(a)(1)(A).

22 **COUNT 7**

23 On or about May 25, 2010, in the District of Arizona, defendant YOLANDA VERONICA
24 VILLALOBOS DE ZAPATA, did knowingly make a false statement and representation with
25 respect to information required by the provisions of Chapter 44 of Title 18, United States Code,
26 to be kept in the records of a federally licensed firearms dealer, a business licensed under the
27 provisions of Chapter 44 of Title 18, United States Code, in that YOLANDA VERONICA
28 VILLALOBOS DE ZAPATA executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473,

1 Firearms Transaction Record, representing that she was the actual buyer of the firearms indicated
2 on the form, specifically, 17 Century International Arms, Model GP/WASR10, 7.62 x 39mm
3 rifles, when in fact she was purchasing the firearms on behalf of another.

4 In violation of Title 18, United States Code, Section 924(a)(1)(A).

5 **COUNT 8**

6 On or about June 21, 2010, in the District of Arizona, defendant LUZ MARTINEZ, did
7 knowingly make a false statement and representation with respect to information required by the
8 provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a federally
9 licensed firearms dealer, a business licensed under the provisions of Chapter 44 of Title 18,
10 United States Code, in that LUZ MARTINEZ executed a Bureau of Alcohol, Tobacco, and
11 Firearms Form 4473, Firearms Transaction Record, representing that she was the actual buyer
12 of the firearm indicated on the form, specifically, one Beretta 9mm pistol, when in fact she was
13 purchasing the firearm on behalf of another.

14 In violation of Title 18, United States Code, Section 924(a)(1)(A).

15 **COUNT 9**

16 On or about June 23, 2010, in the District of Arizona, defendant LUZ MARTINEZ, did
17 knowingly make a false statement and representation with respect to information required by the
18 provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a federally
19 licensed firearms dealer, a business licensed under the provisions of Chapter 44 of Title 18,
20 United States Code, in that LUZ MARTINEZ executed a Bureau of Alcohol, Tobacco, and
21 Firearms Form 4473, Firearms Transaction Record, representing that she was the actual buyer
22 of the firearms indicated on the form, specifically, two Colt .38 Super pistols, when in fact she
23 was purchasing the firearms on behalf of another.

24 In violation of Title 18, United States Code, Section 924(a)(1)(A).

25 **COUNT 10**

26 On or about June 26, 2010, in the District of Arizona, defendant LUZ MARTINEZ, did
27 knowingly make a false statement and representation with respect to information required by the
28 provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a federally

1 licensed firearms dealer, a business licensed under the provisions of Chapter 44 of Title 18,
2 United States Code, in that LUZ MARTINEZ executed a Bureau of Alcohol, Tobacco, and
3 Firearms Form 4473, Firearms Transaction Record, representing that she was the actual buyer
4 of the firearms indicated on the form, specifically, eight Century International Arms, Model
5 GP/WASR10, 7.62 x 39mm rifles and one Beretta 9mm pistol, when in fact she was purchasing
6 the firearms on behalf of another.

7 In violation of Title 18, United States Code, Section 924(a)(1)(A).

8 **COUNT 11**

9 Between June 21 and June 25, 2010, in the District of Arizona, defendant MARIA
10 CARBAJAL, did knowingly make a false statement and representation with respect to
11 information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept
12 in the records of a federally licensed firearms dealer, a business licensed under the provisions
13 of Chapter 44 of Title 18, United States Code, in that MARIA CARBAJAL executed a Bureau
14 of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record, representing that
15 she was the actual buyer of the firearm indicated on the form, specifically, one Beretta 9mm
16 pistol, when in fact she was purchasing the firearm on behalf of another.

17 In violation of Title 18, United States Code, Section 924(a)(1)(A).

18 **COUNT 12**

19 On or about June 25, 2010, in the District of Arizona, defendant MARIA CARBAJAL, did
20 knowingly make a false statement and representation with respect to information required by the
21 provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a federally
22 licensed firearms dealer, a business licensed under the provisions of Chapter 44 of Title 18,
23 United States Code, in that MARIA CARBAJAL executed a Bureau of Alcohol, Tobacco, and
24 Firearms Form 4473, Firearms Transaction Record, representing that she was the actual buyer
25 of the firearms indicated on the form, specifically, four Beretta 9mm pistols, when in fact she
26 was purchasing the firearms on behalf of another.

27 In violation of Title 18, United States Code, Section 924(a)(1)(A).

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COUNT 13

On or about June 24, 2010, in the District of Arizona, defendant KELLY RAE HOOPER, did knowingly make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a federally licensed firearms dealer, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, in that KELLY RAE HOOPER executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record, representing that she was the actual buyer of the firearms indicated on the form, specifically, four Beretta 9mm pistols, when in fact she was purchasing the firearms on behalf of another.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT 14

On or about June 25, 2010, in the District of Arizona, defendant KELLY RAE HOOPER, did knowingly make a false statement and representation with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a federally licensed firearms dealer, a business licensed under the provisions of Chapter 44 of Title 18, United States Code, in that KELLY RAE HOOPER executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473, Firearms Transaction Record, representing that she was the actual buyer of the firearms indicated on the form, specifically, 12 Century International Arms, Model GP/WASR10, 7.62 x 39mm rifles, when in fact she was purchasing the firearms on behalf of another.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

FORFEITURE ALLEGATION

Upon conviction of the offenses in violation of Title 18 United States Code, Section 924(a)(1)(A), set forth in Counts 2 through 14, defendants shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and/or ammunition involved in or used in the knowing violation of the statutes set forth above.

If any of the above-described forfeitable property, as a result of any act or omission of the

1 defendants: (1) cannot be located upon the exercise of due diligence; (2) has been transferred
2 or sold to, or deposited with, a third person; (3) has been placed beyond the jurisdiction of the
3 Court; (4) has been substantially diminished in value; or (5) has been commingled with other
4 property which cannot be subdivided without difficulty, the United States of America shall be
5 entitled to forfeiture of substitute property pursuant to Title 21, United States Code,
6 Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

7 All pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States
8 Code, Section 2461(c).

9
10 A TRUE BILL

11 /s/

12
13 FOREPERSON OF THE GRAND JURY
Date: February 8, 2011

14 DENNIS K. BURKE
15 United States Attorney
District of Arizona

16 /s/

17 LISA JENNIS SETTEL
18 Assistant U.S. Attorney
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